IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

Bail Appl..No. 5836 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.5422/2007
CRIME NO.176/07 OF EDAKKAD POLICE STATION

.....

: PETITIONER/ACCUSED NO.1.

A.SAFEEL, S/O.AMEER, BUSHERA MANZIL,
PINARAYI, THALASSERY TALUK.

BY ADV. SRI.M.V.AMARESAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 5836 of 2007

Dated this the 26th day of September, 2007

ORDER

Application for regular bail. The petitioner is the 1st accused. Altogether, there are three accused persons. They face allegations under Sec.398 read with Sec.34 of the IPC. An earlier application for regular bail filed by the petitioner was dismissed by this Court as per the order dated 10/9/07 in B.A.No.5422/07. The petitioner remains in custody from 10/8/07. The alleged incident took place on 7/8/07. It was an unsuccessful attempt of robbery on a public road.

2. I had adverted to the facts in detail in the earlier order. This order must be read in continuation of the said order. I am hence not adverting to the facts in any greater detail in this order.

3. The learned counsel for the petitioner submits and the learned Public Prosecutor accepts that the petitioner has no history of any criminal antecedents. Investigation is in progress. It has not been completed so far. The learned

Public Prosecutor prays that the Investigator is granted reasonable further time to complete the investigation. Appropriate and strict conditions may be imposed on the petitioner which shall ensure the interests of a fair, efficient and expeditious investigation as also deter the petitioner from indulging in any such culpable activity hereafter. I am satisfied that the petitioner can now be enlarged on bail subject to appropriate terms and conditions.

3. **In the result:**

(a) This application is allowed. The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall not be released from custody on the strength of this order prior to 10/10/07. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

(ii) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(iii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays, Wednesdays and Fridays between 10 a.m. and 12 noon for a

period of three months after his release from custody.

(iv) During the said period of three months, the petitioner shall not leave the Sessions Division of Kannur District without the prior permission of the learned Magistrate. He shall inform the Investigator of his place of residence and subsequent change of place of residence, if any, during this period.

(R. BASANT, JUDGE)

Nan/